

**BOROUGH OF MIDDLESEX
REGULAR MEETING MINUTES
MAY 24, 2016**

MAYOR'S STATEMENT: Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

SALUTE TO THE FLAG

ROLL CALL

Mayor	Ron DiMura	
Council President	Sean Kaplan	
	Stephen Greco	Absent
	Patrick Corley	Absent
	John Madden	
	Bob Schueler	
	Jack Mikolajczyk	
Attorney:	Aravind Aithal	

PRESENTATIONS

Dan Gitler from the Shade Tree Commission came before the Mayor and Council to speak about the 2015-2019 Community Forestry Management Plan and the budget needs to approve this plan. The mission statement is to proactively nurture, promote, and maintain a sustainable, functional, and safe community forest and shade tree resource that benefits the ecological, financial, and cultural well-being of the Borough of Middlesex and its residents. The plan will aid in identifying and efficiently addressing both existing and potential tree hazards, allowing the Borough to both address current needs and apply preventative care to minimize future liabilities.

Mr. Gitler stated that the plan is ready to be submitted and one of the requirements is that the town is part of "Tree City USA" and because their budget was cut to \$25,000 this year they no longer qualify for "Tree City USA." The requirement for Tree City USA states that the town needs to budget \$2 per capita. This would require a budget of \$27,500. Mr. Gitler is requesting that \$2,500 be placed in the budget to make us eligible for Tree City USA. Mr. Gitler also stated that part of the plan also requires two members of the Shade Tree Commission to receive Forest Health Issue Training along with a member of the DPW get core training. Jason Bond of the Shade Tree Commission stated if the CSIP grant is received we would then be able to do a tree inventory and assessment of all shade trees in town. Part of the Plan is to plant more trees than were removed each year until about 60% of the canopy cover is reached and to prune or remove public trees as needed to both ensure safety and ensure the healthy, integrated growth of young trees.

Mayor DiMura requested the Finance Committee review with the CFO to see what we can do to fulfill the budget request so that we maintain our Tree City USA standings. Mayor also noted that the Shade Tree Commission when submitting their future budget include the items needed and work through their liaison during the year and through the budget season.

APPOINTMENTS-NONE

PROCLAMATIONS-NONE

The Borough Clerk read Ordinance No. 1891-16 by title for introduction.

**NEW BUSINESS
ORDINANCE NO. 1891-16**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY
OF MIDDLESEX, NEW JERSEY ADDING TO CHAPTER 56 LAND USE PROCEDURES
ARTICLE VI SECTION 47**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Chapter 56 Article VI Section 47 is hereby added as follows:

Article VI

§ 56-47. DEVELOPER'S AGREEMENT

- A. Within 90 days of the adoption of a resolution granting final subdivision approval or final site plan approval, there shall be executed and delivered to the Borough an agreement between the developer and the Borough incorporating all of the terms and conditions of final approval and such other conditions as deemed necessary by the Borough. The agreement shall be drawn by the Borough Attorney and shall be executed by the Mayor or Borough Administrator, owner and developer. The costs of the developer's agreement shall be paid to the Borough by the owner or developer.
- B. Extension of developer's agreement. In the event that all of the approved improvements have not been installed within the time period set forth in the developer's agreement, the developer may request, in writing, to the Borough Council, a one-year extension of the time in which to complete all improvements. No more than two such extensions will be considered unless the developer demonstrates unusual circumstances beyond his control. Any request for an extension of the developer's agreement shall be accompanied by an application fee of \$300.00 to cover the engineering and legal fees associated with the processing of the application.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Councilman Schueler made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

The Borough Clerk read ordinance No. 1890-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

ORDINANCE NO. 1890-16

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY, CHAPTER 317, PROPERTY MAINTENANCE

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce ordinances to manage regulate and control the finances and property of the municipality; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

SECTION ONE. The Code of the Borough of Middlesex, Middlesex County, New Jersey is hereby amended to the following:

§ 317-1 Storage of certain materials and equipment restricted.

- A. Storage of materials or equipment which is dilapidated or in a condition of disuse or disrepair or unsanitary or unsafe or otherwise disturbing or inimical to the health, comfort and convenience of residents of the Borough of Middlesex is prohibited on any property within 1,000 feet of any dwelling, except if such storage is in an enclosed building and cannot be reasonably detected by a person of normal sensitivity at the property line of such building or is otherwise regulated by this municipality. "Inimical to the health, comfort and convenience of residents" shall mean any condition that offends, or is pervasive or obnoxious odors, or airborne particles which cause breathing difficulties or eye irritation, or any other such irritations or disturbances of a person of normal sensitivity
- B. Residential accessory items, including but not limited to grills, play equipment and bicycles shall not be stored or displayed in any front or side yard area which is visible from any public place, street, sidewalk or highway. In addition, the use of any upholstered furniture manufactured primarily for indoor use, including but not limited to mattresses, couches, and recliners, shall be prohibited on any front or side yard area visible from any public place, street, sidewalk or highway.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FIVE. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Mayor DiMura opened the Public Hearing on Ordinance 1890-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1890-16.

Councilman Madden made a motion for introduction seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

ADOPTION OF MINUTES

Councilman Schueler made a motion to approve the May 10, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Council President Kaplan and carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: None

REPORTS – STANDING COMMITTEES:

1. Finance/Taxation/Real Estate/Construction Official/Insurance –
 - A. Councilman Schueler stated that he did bring the Proposed Lighting Amendment Ordinance back to the planning board but he does need a little more clarification about enforcement. It was noted from the Board that there is no need for a light meter or night inspections because every business has a lighting plan attached to their approval.

Councilman Schueler also wanted to thank the organization ‘We Love You” and “Central Jersey Stream Cleaning” for the fantastic job they did cleaning the streams. These were the most energized people he ever worked with about 100 tires and 3 tons of garbage including cans, beds, and shopping carts were removed.

Mayor DiMura also thanked them and hopes to get them back in the late summer and looks forward to working with them again. Also the Mayor thanked Sal’s Deli for supplying breakfast and lunch.

2. Recreation/Recreation Fields/Water & Light
 - A. Swim Pool - Long course swimming is conducted only in the Olympic size (50 meter) main pool (not in the lap pool). This has been established for many years with no intention of changing. Synchronized swimming and Zumba classes are held in the main pool only. Also the pool entrance is the gate by the high school. There are no plans to change this entranceway.

Lighting - The lap pool will have only two light pools with updated lighting. The lights will face the softball field and away from residential areas such as Market Street. By comparison, the tennis courts had four poles with lights.

During the summer, particularly late August the lights are turned on around 7 pm for safety reasons. They are also turned on for events such as Family Night (approx. twice per season).

Lastly there is an environmental advantage with the addition of the lap pool and the removal of the tennis courts. There is less paved (impervious) coverage now resulting in a greater groundwater recharge area and therefore less runoff and pooling of surface water.

B. Community Celebrations – On Thursday, May 19th @ 9:30 a.m., the Middlesex National Honor Society held their Annual Memorial Day Remembrance Ceremony. A full school assembly was on hand to pay tribute to all Middlesex Service Personnel who have served our country. In attendance among others were Dr. Madison, Police Chief Geist, Mayor DiMura, myself and members of our Armed Services, the girl scouts and boy scouts, the American Legion and Ladies Auxiliary. It was a very moving ceremony.

C. Recreation – A meeting was conducted at Mountainview Park on May 18, 2016 @ 9:30 a.m. In attendance were Lillian Schwarz, Recreation Director Dina Fornataro, Lt. DeNick and myself to discuss the idea of installing a cross walk that would connect soccer field #5 and the playground areas for the safety of the children coming off the field. The plan is currently being reviewed.

3. Fire/OEM/Board of Health/Rescue Squad/Flood

A. Council President Kaplan moved to accept Active Members Diamante Stewart and Ken Pukas, Jr. seconded by Councilman Schueler and carried by a unanimous vote of Council members present.

B. Council President Kaplan reported that William Coughlin has resigned as an Active member of Parker Engine and Hose Co. No.4 and the Middlesex Fire Dept.

C. Council President Kaplan also reported that this year the Fishing Derby sponsored by the PBA will be held on June 25, 2016 from 9am-12pm. The cost to stock fish in VC Park will be \$750.00. The Fishing Derby brings out over 200 kids and family. Wildlife Fish and Game will be on hand to help and give out information. Included in the activities will be games, trophies and prizes. Fire Dept. and OEM will also be on hand. There was a consensus of the council to provide the cost of \$750 to stock VC Park.

D. Council President Kaplan also noted that Tom Harrity President of the Board of Health resigned and VP Burke will fill the position until the end of the year.

E. Regarding the recommendation from the Board of Health on the issue of banning the sale of tobacco to individuals under 21 years old and adopting a no smoking ordinance in Middlesex Borough parks and recreation areas, Council President Kaplan stated Terri Manes Health Educator for the County will come in the next meeting with further information and educational ideas for the community.

4. Public Works/Parks/Sanitation/Recycling – Councilman Corley was absent.

5. Police/Legal/Code Enforcement/Construction/Municipal Court -

A. Police –Drive carefully - It is Memorial Day weekend coming up. The police have really stepped up their visibility especially on Rte. 28 and Lincoln Boulevard and their step program is looking at wipers on/lights on, seatbelts and cellphones as well as DUI.

B. This was a special press release that recently came out. Lieutenant Daniel O'Connor, the Investigations Division Commander with the Middlesex Police Department, recently graduated from the 48th session of the prestigious New Jersey State Association of Chiefs of Police (NJSACOP) Command and Leadership Academy.

The 14-week academy was developed in 1993 by the NJSACOP in collaboration with the United States Military Academy at West Point and provides a unique blend of theory and application. Throughout the course, officers are challenged to take the various leadership theories they were taught and devise real world solutions to the complex problems presented to them.

The highly competitive program aims to fashion officers into police leaders who can meet challenges in the law enforcement community. The primary focus of the program is on personnel and their work environments. Officers study theories on behavior and motivation, conflict management, decision making and communication.

Participation in the Command and Leadership Program is based on applicants successfully completing a competitive selection process. This is another feather in our cap for our police command staff.

C. Councilman Mikolajczyk made a motion to move the April 2016 Police Report seconded by Councilman Madden and carried by a unanimous vote of Council members present.

D. Construction – We had our councilmanic meeting last night and I am pleased to report that the recent structure changes and new hires are beginning to have a positive result on the department. Barrie Palumbo is pleased with the progress and is organizing the inspectors and technical assistants to make the department more “customer centric”. We are trying to change the dour reputation of the department and feel more effective communication internally and externally will have a positive impact.

There is a bit of an issue with the implementation of the pilot computer program. This is not to be confused with the PILOT program for 150 Lincoln Blvd. The pilot computer program is an online portal for permits as well as other uses. This will be a focus in the coming weeks to ensure we are deriving the promised benefit from this purchase.

Mayor DiMura stated that we are moving forward in the right direction with Property Pilot and he will sit down with the Code Enforcer on Thursday of this week to review it with her.

E. Community Day - Progress is being made on our community day. A finalized application and flyer are available online. Entertainment is nearly finalized and a day program for the kids is in the works. Next up is a site meeting with the mayor.

6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco was absent.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Consent Agenda 2016(O)

WHEREAS, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

WHEREAS, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #109-16, Resolution #113-16, 115-16 and #116-16 from this Consent Agenda.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #106-16 – Resolution #108-16
Resolution #110-16 – Resolution #112-16
Resolution #114-16

Council President Kaplan made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #106-16

The Mayor and Council hereby accept Tonya Hubosky's resignation effective May 27, 2016 and authorize the Treasurer to pay Ms. Hubosky the following benefits:

11.67 Unused Vacation Days	\$ 3,194.66
12 Days Compensation Time	\$ 3,285.00
39 Unused Sick Days	\$ 10,676.25
TOTAL	\$ 17,155.91

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #107-16

The Tax Collector is hereby authorized to issue a check in the amount of \$24,112.29 to redeem tax sale certificate #2015-1845 and tax sale premium in the amount of \$44,100, Block 55, Lot 23, 12 Dayton Avenue. The check is to be made payable to:

US Bank Cust for BV001 Trust
50 South 16th Street – Suite 2050
Philadelphia, PA 19102

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #108-16

WHEREAS, Police Officer Richard Szymczak is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On May 12, 2016 Chief Geist recommended Police Officer Richard Szymczak be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Richard Szymczak be and is hereby advanced in grade to Patrolman Class "E" effective June 11, 2016 at an annual salary of \$69,015.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #109-16

WHEREAS, the Mayor and Council has the sole discretion to fix and determine the salaries and compensation of the officers and employees of the Borough of Middlesex,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following salaries and rates of compensation for the year 2016 be hereby fixed respectively as follows:

<u>Title</u>	<u>2016 Salary</u>
Borough Clerk	\$83,274.00
Deputy Borough Clerk	\$52,269.00
Tax Collector	\$65,586.00
Chief Financial Officer	\$20,600.00
Treasurer	\$50,697.00
Court Administrator	\$62,143.00
Municipal Judge	\$34,399.00
IT Supervisor	\$82,348.00
DPW Supervisor	\$95,017.00
DPW Assistant Supervisor	\$88,730.00
Police Chief	\$144,045.00
Recreation Director	\$63,735.00
Recreation Asst Director	\$11,410.00
Recreation Commission Secretary	\$1,168.00
Office On Aging Director	\$60,462.00
Zoning Officer/Code Enforcer	\$28,354.00
Electrical SubCode Official	\$12,575.00
Board of Health Secretary	\$2,889.00
Shade Tree Secretary	\$2,496.00
Juvenile Conference Secretary	\$2,083.00
Clerk Admin Assistant	\$12.97
Construction Admin Assistant	\$13.66
Police Admin Assistant	\$13.39
Resale Certificate Inspector	\$26.78
Public Works Part Time	\$12.36
Meals on Wheels Driver	\$12.60
Meals on Wheels Driver (Alternate)	\$12.36
Senior Medical Driver	\$13.90

Senior Van Driver	\$13.90
Toddler Playgroup Instructor	\$12.36
Toddler Playgroup Assistant	\$10.81

Council President Kaplan made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #110-16

WHEREAS, Charles Anthony was issued a street opening permit on 9/24/15; and

WHEREAS, Charles Anthony deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 44 Dayton Avenue was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of Charles Anthony, 44 Dayton Ave., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-011.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #111-16

The governing body hereby hires Dan Nero as a temporary part time plumbing inspector for six hours per week at \$40.00 per hour effective immediately.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #112-16

AUTHORIZING AN AMENDMENT OF SECTION 8 OF THE PERSONNEL POLICY OF THE BOROUGH OF MIDDLESEX ENTITLED "WORK PERIOD AND OVERTIME"

WHEREAS, the Borough of Middlesex, (hereinafter the “Borough”) previously adopted the “Borough of Middlesex Personnel Policy” (hereinafter the “Personnel Policy”) on August 18, 1999, as subsequently amended; and

WHEREAS, pursuant to Section 1 of the Personnel Policy, the Governing Body is authorized to amend the Personnel Policy, from time to time as deemed necessary by Resolution; and

WHEREAS, as provided in Section 1 of the Personnel Policy, the purpose of the Personnel Policy is to set forth regulations and policies applicable to all employees of the Borough and to provide for the administration of such regulations and policies; and

WHEREAS, the Governing Body has deemed it necessary to amend Section 8.5 of the Personnel Policy, included below, entitled “Work Period and Overtime”, to reflect the policy of the Borough to maintain an orderly use of compensatory time by part-time employees; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. Section 8.5 of the Personnel Policy is hereby amended as stated below; and

8.5 Time Off in Lieu of Overtime Pay

All compensatory time must be used within 60 days of earning such time, and cannot be accumulated beyond the 60 days after earning such time. If the compensatory time is excessive and the employee cannot take the time within 60 day of earning such time due to the needs of the Borough, the Governing Body may compensate for that time.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #113-16

AUTHORIZING THE RECONSTITUTION OF THE ETHICAL STANDARDS BOARD

WHEREAS, the Borough of Middlesex, (hereinafter the “Borough”) on July 9, 1991 adopted Ordinance 1005-91 creating a local ethics board;

WHEREAS, pursuant to the Local Government Ethics Law, P.L. 1991, c. 29, N.J.S.A. 40A:9-22.1 *et seq.*, and under the further authority granted to the Borough under provisions of Titles 40 and 40A of the New Jersey Statutes, the Borough has the authority to create a local ethics board, and

WHEREAS, Chapter 36 of the Code of the Borough of Middlesex has been duly adopted and remains in full force and effect; and

WHEREAS, in 2013 the Governing Body of the Borough referred certain complaints by authority of N.J.S.A 40A:9-22.1 *et seq.* to the Local Finance Board; and

WHEREAS, notwithstanding the referrals of such complaints to the Local Finance Board, the Borough has retained and continues to retain the authority under State Statutes and Local Ordinances to initiate, receive, hear and review complaints, and hold hearings with regard to possible violations of ethical standards; and

WHEREAS, the Borough has duly notified the Local Finance Board of its intent to reconstitute its local ethics board; and

WHEREAS, the Borough has determined to appoint members, as permitted by Law, State Statute and Borough Ordinance, to its local ethics board; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. Within 45 days of the adoption of this Resolution, the Mayor shall appoint six members to the local ethics board; and
2. The Borough Clerk shall forward a true copy of this Resolution, together with Chapter 36 of the Code of the Borough of Middlesex to the Local Finance Board; and
3. This Resolution shall take effect immediately.

Councilman Schueler made a motion for approval seconded by Councilman Kaplan and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #114-16

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF ANTENNAS,
SPEAKERS, CHARGING SYSTEM FOR POLICE DEPARTMENT**

WHEREAS, the Governing Body of the Borough of Middlesex wishes to purchase antennas, speakers and a charging system for the Police Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Motorola Solutions Inc. is under State Contract No. 83909 for the year 2016; and

WHEREAS, the cost for the purchase of the equipment is \$1,156.00; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of antennas, speakers and a charging system is ordered under State Contract No. 83909 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$1,156.00 are available in Account No. C-04-15-879-000-090.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #115-16

AUTHORIZING AN AMENDEMENT OF SECTION 9 OF THE PERSONNEL POLICY OF THE BOROUGH OF MIDDLESEX ENTITLED "HOLIDAY AND VACATION BENEFITS"

WHEREAS, the Borough of Middlesex, (hereinafter the "Borough") previously adopted the "Borough of Middlesex Personnel Policy" (hereinafter the "Personnel Policy") on August 18, 1999, as subsequently amended; and

WHEREAS, pursuant to Section 1 of the Personnel Policy, the Governing Body is authorized to amend the Personnel Policy, from time to time as deemed necessary by Resolution; and

WHEREAS, as provided in Section 1 of the Personnel Policy, the purpose of the Personnel Policy is to set forth regulations and policies applicable to all employees of the Borough and to provide for the administration of such regulations and policies; and

WHEREAS, the Governing Body has deemed it necessary to amend Section 9 of the Personnel Policy, in the form attached, entitled "Holiday and Vacation Benefits", to reflect the policy of the Borough to include vacation and holiday time for permanent part-time employees; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

Section 9 of the Personnel Policy is hereby amended as stated below; and

9.1 Employees Eligible for Holiday and Vacation Benefits. For the purpose of providing holiday and vacation benefits, Regular Full-Time Employees shall receive the full benefits; unless otherwise agreed to by the Governing Body, seasonal and non-permanent part-time employees shall not receive holiday or vacation benefits.

9.2 Holidays Observed.

- a. Effective January 1, 1999, Regular Full-Time employees will receive eight (8) hours straight time pay, and permanent part-time employees who work twenty (20) or more hours per week will receive one day, pro-rated pay for the following officially designated holidays observed by the Borough:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Labor Day

The Governing Body reserves the right to designate additional holidays at its discretion.

- b. If a holiday falls on a Saturday or Sunday, it shall be celebrated and compensated accordingly on the work day preceding or the work day following such holiday, at the discretion of the Governing Body.
- c. Where it is necessary to maintain regular service requiring an employee to work on an official holiday, such employee shall be paid double (2x) time, regardless of the number of hours the employee may have worked the preceding week.
- d. The specific scheduled dates for each holiday shall be established by the Governing Body annually at the reorganization meeting.
- 9.3 Eligibility for Holiday Pay. To be eligible for holiday pay, the employee must work the regularly scheduled day before and the regularly scheduled day after the holiday, unless the employee is on an excused absence with pay or on regularly scheduled vacation.
- 9.4 Holiday, Personal Days and Vacation Benefits. In addition to the above paid holidays, Regular Full-Time employees are entitled to (2), additional personal days and one day for their personal birthday. These days must be taken and the employee cannot choose to be paid in lieu of taking these days off. No more than two (2) people may take a personal day at any one time and the personal day will be given by seniority in the event that more than two people seek to have the same day off. One week advance notice must be given to supervisor by the employee requesting these days off except in cases of emergency. It is further understood that an employee may choose to request a personal day at the beginning or at the end of a vacation period; however, the personal day cannot be taken before or after a major holiday.

- 9.5 Vacations. The following schedule shall be used to determine the length of vacation time for Regular Full-Time employees:

<u>Time in Service</u>	<u>No. of Vacation Days</u>
Date of hire to end of the Same Year	1 day per month (not to exceed 10 days)
1 st calendar year through 3 rd calendar year	10 days
4 th calendar year	11 days
5 th calendar year	12 days
6 th calendar year	13 days
7 th calendar year	14 days
8 th calendar year and thereafter	One additional day per additional year of service with a maximum of 25 vacation days.

- 9.5.1 Permanent part-time employees who have a minimum of two (2) consecutive and uninterrupted years of employment service with the Borough, during which time they have worked not less than 20 hours per week, shall be entitled to five (5) days of vacation beginning the third (3) calendar year of employment. Any vacation time not used during the calendar year in which vacation time was earned shall not be carried to the following year, nor shall the employee be entitled to payment in lieu of vacation.

- 9.6 Restriction on Vacation Days. Vacations shall be taken in full week segments unless otherwise approved by the department head, but in no case in less than full day segments.
- 9.7 Vacation Schedule. Vacation schedule approvals shall be given by the Department Head on the basis of seniority of service or by mutual agreement of the employees.
- 9.8 Expiration of Vacation Benefits. Vacation benefits shall be used during the calendar year in which they are earned and will expire on December 31 unless otherwise approved by the Administrator or, in his or her absence by the Mayor or the Department Head. Without approval of Council, no more than one (1) week vacation may be carried over into the next year; however, permanent part-time employees of the Borough may not carry over any vacation time without approval of Council. An expiration date for using carried over vacation days shall be specified in writing to the employee by the Administrator or, in his or her absence by the Mayor at the time of his approval of any

such request, but in no case later than March 31 of the following year, unless specifically extended by Council.

- 9.9 Compensation in Lieu of Vacation Prohibited. Compensation in lieu of vacation shall be prohibited, except as provided for in Section 18.2.
- 9.10 Holiday and vacation benefits for the Chief of Police shall be the same as those set forth in the Police Contract.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #116-16

WHEREAS, the Tax Collector reached out to the state and questioned extending payments of our sewer bills until September 1, 2016 without charging interest, as a way to work with the business community; and

WHEREAS, if the business pays the balance by September 1, 2016 we will waive whatever interest that they have accrued; and

WHEREAS, if the business doesn't pay in full by September 1, 2016 the business will pay whatever interest accrued and will be put in the tax sale immediately;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the above recommendations by the Tax Collector and supported by the State of New Jersey is hereby approved

Council President Kaplan made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #117-16

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE

FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments.

John Sloomaker, 143 Parker Street complained about the vacant bank owned properties, the maintenance of these properties, and the liability if allowed having volunteers going on these properties to clean up when they are bank owned. Mayor DiMura stated the Code Enforcer has a list of 30 properties that are bank owned. Twelve have been cleaned up in the last week. Mayor stated that we have a landscaper going out to clean these properties if they are not being maintained by either the banks or the lienholder. Mayor DiMura told Mr. Sloomaker that if he or any other resident know of a vacant property not being maintained to let him or the code enforcer know and we will add them to the list.

Mr. Sloomaker also referenced a property on Coleman & Denton of which he believes as being uninhabitable including many issues that can be obtained through police reports. Mayor DiMura stated that the Code Enforcer and the property owner are working on these issues. Mayor DiMura asked that Mr. Sloomaker contact him tomorrow and he will give him an update.

Mr. Sloomaker also wanted to know if he and a group of volunteers would be allowed to clean up the corner of Parker & Denton which he believes is a Borough easement and would this present a liability issue for the Borough. Mayor DiMura stated that he will have the DPW and/or our tree service look at it. Borough Attorney Aravind Aithal expressed that the liability is unknown and specific to what the danger is or what the hazard is there is no liability until someone gets hurt. Mayor DiMura asked Mr. Sloomaker to leave his number and we will have the town cleanup the property.

Kathleen Timm, 128 Third Street stated that they were told that their flood insurance would be lowered when the Army Corp. of Engineers is done Greenbrook Flood Control Project. Mayor DiMura stated that's a goal based on funding of the project. Mayor reported that he is trying to work with the County through the Open Space Fund to help people stay in their houses by using the Open Space Fund to subsidize raising their houses which in turn would lower their flood insurance.

James Benson, 445 Harris Avenue thanked the Mayor and Council for their support in using the HUD grants to replace front doors and the HVAC unit at the Library.

Seeing that there was no other public participation, Mayor DiMura closed the public portion of the meeting.

DISCUSSION ON AGENDA WORKSHOP ITEMS

1. Cost Estimate for Football Field Lights – Mayor DiMura stated that the Engineer came back with the cost estimate for the football field lights and after doing the core samples the findings were that we would need to do more to secure the lights. The original cost estimate was \$350,000 and after the samples were taken the cost estimate is \$470,000. The engineer also reported that if needed we may incur another \$75,000 for an electrical upgrade. There is no DEP issues or permits that need to be taken nor is there any contamination. Mayor DiMura did remind everyone that the County would be giving us half of this amount through the grant he is working on with them. Mayor DiMura also stated that the funding for the project can be added to the capital budget which is still way under what we usually capitalize every year. Consent of Council was to move forward with the football field lights.

2. Mayor DiMura stated Item 2 on the Agenda Workshop the Hiring of Part-Time DPW Employees may be addressed after we come out of executive session.

PUBLIC COMMENTS

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

Resolution #118-16

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12

and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Administrative Assistant (Police Dept.)
2. Hiring of 3 DPW Full Time Employees
3. Administrator
4. Tax Collector

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

Councilman Madden moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

ROLL CALL

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney:	Aravind Aithal
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ADJOURNMENT

Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Madden and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC
Borough Clerk